

**COMMONWEALTH OF MASSACHUSETTS**

**CIVIL SERVICE COMMISSION**

100 Cambridge Street – Suite 200

Boston, MA 02114

617-979-1900

**SOHEIL T. WRIGHT,**

*Appellant*

v.

**CITY OF BOSTON,**

*Respondent*

Docket number:

G2-25-128

Appearance for Appellant:

*Pro Se*

Soheil T. Wright

Appearance for Respondent:

Tanya E. Dennis, Esq.

Deputy Director, Office of Labor Relations

City of Boston, Boston City Hall – Room 642

Boston, MA 02201

Commissioner:

Christopher C. Bowman

**SUMMARY OF DECISION**

The Commission dismissed the appeal of a non-selected candidate for a provisional appointment with the City of Boston Transportation Department as the City's appointment process complied with the civil service law and rules.

**DECISION ON RESPONDENT'S MOTION TO DISMISS**

On May 22, 2025, the Appellant, Soheil T. Wright (Appellant), a 24-year employee of the City of Boston (City), who currently serves as a provisional Principal Traffic Investigator (official service position), and who has permanency in his prior labor service title of Senior Traffic Maintenance person, filed an appeal with the Civil Service Commission (Commission),

contesting his non-selection for provisional appointment to the position of Chief Traffic Investigator, an official service position in the same series as Principal Traffic Investigator.

On June 17, 2025, I held a remote pre-hearing conference which was attended by the Appellant, counsel for the City, the Director of Human Resources for the City's Public Works Department, as well as two City managers who served on the panel that interviewed candidates for the position of Chief Traffic Investigator. The City subsequently filed a motion to dismiss and the Appellant did not file an opposition or reply.

### **UNDISPUTED FACTS**

Based on the written submissions and oral statements of the parties, the following is undisputed unless noted otherwise:

1. A vacancy occurred in the official service title of Chief Traffic Investigator.
2. No civil service examination has been administered for this position in decades. Therefore, there is no eligible list of candidates, and the position effectively can only be filled through the provisional appointment or promotional process.
3. The City posted the position as a provisional appointment open to internal and external candidates.
4. Four internal candidates, including the Appellant, applied for the position.
5. The City utilized an interview panel that asked the same questions of each candidate and utilized a standard scoring system.
6. The interview panelists collectively rated the Appellant fourth and the selected candidate first.
7. The selected candidate has far less seniority than the Appellant and held a lower title than the Appellant at the time of his appointment to Chief Traffic Investigator.

8. While the Appellant argues that he (the Appellant) is at least as qualified as the selected candidate, he does not challenge that the selected candidate is “qualified” for the position.
9. The Appellant did not, as part of his appeal (including at the pre-hearing conference), raise any issues of potential personal or political bias to challenge the appointment. Rather, the Appellant argued that he trained and mentored the selected candidate and, to this day, provides the selected candidate with support and guidance, a situation the Appellant finds to be unfair and inequitable.

### **APPLICABLE CIVIL SERVICE LAW**

Civil service examinations have not been administered in decades for most non-public-safety official service job titles. Thus, without any qualified tenured civil service employees, the position of Principal Traffic Investigator and other official civil service titles in the Transportation Department, including the Appellant’s job, could only be filled by provisional appointments open to both internal and external candidates. See G.L. c. 31, §12 through §15. See Lynch v. Civil Serv. Comm’n, Decision and Order on Cross-Motions for Judgment on the Pleadings at 5, Suffolk Super. Ct. Civ. Action No. 2384CV1948 (Nestor, J.) (March 4, 2025). See generally Mejias v. City of Boston, 33 MCSR 241 (2020) (explaining process for filling civil service positions for which exams are no longer given); Palluccio v. Department of Revenue, 28 MCSR 18 (2015) (same).

Section 12 of Chapter 31 provides the statutory authority to make a provisional appointment to a position in the official civil service. That statute provides, in relevant part:

*An appointing authority may make a provisional appointment to a position in the official service . . . . Such authorization may be given only if no suitable eligible list exists from which certification of names may be made for such appointment or if the list contains the names of less than three persons who are eligible for and willing to*

accept employment and the appointing authority submits a written statement to the administrator that each person whose name was certified and who reported for an interview was interviewed and considered for appointment and states sound and sufficient reasons, satisfactory to the administrator, for not making an appointment from among such persons. A provisional appointment may be authorized pending the establishment of an eligible list. Such authorization shall be void unless exercised within two weeks after it is granted.

G.L. c. 31, §12, ¶ 1 (*emphasis added*).

Section 14 of Chapter 31 provides, in relevant part:

A provisional appointment may be terminated . . . at any time and . . . shall be terminated forthwith whenever . . . the person appointed does not, in fact, possess the approved qualifications or satisfy the approved requirements for the position.

G.L. c. 31, §14, ¶ 2.

Finally, although a provisional appointment does not require an appointing authority to provide “reasonable justification” for selecting one candidate over another, as would be the case in permanent civil service appointments and promotions, the Commission always maintains authority under G.L. c. 31, § 2(a), to initiate investigations, including an investigation into whether any appointment process was consistent with basic merit principles of civil service law as prescribed by G.L. c. 31, §1, ¶ 4 — something that the Commission does only sparingly and only when there is clear and convincing evidence of systemic violations of Chapter 31 or an entrenched political or personal bias that can be rectified through the Commission’s affirmative remedial intervention.

## **ANALYSIS**

As referenced above, the Commission’s role, if any, regarding the review of provisional appointments, is exceptionally narrow. For example, a non-selected candidate may: a) pursuant to Sections 2(b) and 15 of Chapter 31, challenge whether the selected candidate is qualified, possesses the qualifications or satisfies the requirements of the position; and/or b) pursuant to Section 2(a), ask the Commission to investigate whether an appointment was infected by

personal or political bias or was indicative of some systemic violation of the civil service law. The Appellant does not make either of these arguments part of his appeal. Rather, the Appellant questions how a candidate with far less experience and who worked in a lower title than him could be ranked highest by the interview panel.

Had this matter involved the appointment or promotion of a permanent civil service position, after the establishment of an eligible list, and had the City appointed or promoted a candidate ranked below the Appellant from a certification generated from that eligible list, the City would have needed to show “reasonable justification” for “bypassing” the Appellant. However, since there is no eligible list, and since this involves filling a position provisionally, there can be no bypass; the City is not required to show reasonable justification for the appointment; and the Commission’s jurisdiction is limited as referenced in the above paragraph. See also [Mejias, Hector v. City of Boston 6/18/20](#).

Although the City is not required to show reasonable justification regarding the non-selection of the Appellant, the Commission has the authority to determine whether further review is warranted via an investigation. As referenced above, the City did ask two members of the interview panel to attend the pre-hearing conference and explain the reasons behind appointing the selected candidate. Their statements, albeit unsworn, showed no indicia of personal or other bias and were focused on who could best lead the unit that is responsible for maintaining an inventory of over 200,000 City signs through a digital cartography program. Also, the Appellant has not proffered any evidence, at any juncture of this appeal, to show that political or personal bias or systemic violations of the civil service law were in play here.

## **CONCLUSION**

For the reasons stated above, the City’s Motion to Dismiss is allowed and the Appellant’s appeal under Docket Number G2-25-128 is *dismissed*.

## CIVIL SERVICE COMMISSION

/s/ Christopher Bowman

Christopher C. Bowman

Chair

By vote of the Civil Service Commission (Bowman, Chair; Dooley, Markey, McConney and Stein, Commissioners) on August 21, 2025.

Either party may file a motion for reconsideration within ten days of receipt of this Commission order or decision. Under the pertinent provisions of the Code of Mass. Regulations, 801 CMR 1.01(7)(l), the motion must identify a clerical or mechanical error in this order or decision or a significant factor the Agency or the Presiding Officer may have overlooked in deciding the case. A motion for reconsideration does not toll the statutorily prescribed thirty-day time limit for seeking judicial review of this Commission order or decision.

Under the provisions of G.L. c. 31, § 44, any party aggrieved by this Commission order or decision may initiate proceedings for judicial review under G.L. c. 30A, § 14 in the superior court within thirty (30) days after receipt of this order or decision. Commencement of such proceeding shall not, unless specifically ordered by the court, operate as a stay of this Commission order or decision. After initiating proceedings for judicial review in Superior Court, the plaintiff, or his / her attorney, is required to serve a copy of the summons and complaint upon the Boston office of the Attorney General of the Commonwealth, with a copy to the Civil Service Commission, in the time and in the manner prescribed by Mass. R. Civ. P. 4(d).

Notice to:

Soheil T. Wright (Appellant)

Tanya Dennis, Esq. (for Respondent)